



**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2016-718-mad

Open Date:
4 Aug 2016

Close Date:
19 Aug 2016

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Matt Dennis, CELRL-OPF-S, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 50-315-6689

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act:

APPLICANT: Michael J. Kimmel
Waterfront Development Corporation, City of
Louisville
129 East River Road
Louisville, KY 40202

LOCATION: Ohio River Mile 603.3 Left Descending Bank,
Louisville, Jefferson County, Kentucky

Latitude: 38.2620917
Longitude: -85.741802
7.5 Minute Quad: Jeffersonville

PURPOSE: Restoration of the waterfront park through the
construction of recreational facilities and
attendant features.

DESCRIPTION OF WORK: The Waterfront Development Corporation proposes to restore a portion of Waterfront Park on the banks of the Ohio River which was disturbed and physically altered as a result of the construction of the Lincoln Bridge. The proposal would construct a new parking lot, foot-paths, picnic tables, benches, lights, plant trees and re-arrange the hillsides to accommodate the new bridge piers. As part of the restoration plan, the applicant proposes to leave in place three construction artifacts that were temporarily permitted for the construction of the Lincoln Bridge. One construction artifact is a steel sheet pile wall which was backfilled and used for off-loading of barges. The structure is 301.74 linear feet long and has a maximum riverward projection of 90.93 feet on the upstream side and 33.85 feet on the downstream side. As part of the site restoration, a cap would be required to ensure all soils below finish grade remains in place. The cap would consist of two feet of clean soil for soft surfaces areas and asphalt or concrete for hard surface areas like parking lots and paths. Light fixtures would be

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installed along the parking lot and paths, and would be the same as those removed prior to bridge construction, with no fixtures being aimed towards the river.

Two other temporary construction artifacts proposed to remain in place are pile caps for cranes which would be used as flat areas on which picnic tables would be located.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: Impacts to water of the U.S. would be limited to the steel sheet wall structure that was permitted as temporary but has been in place for approximately three years.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and an archeological survey was previously conducted on the site for past construction. It has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistoric, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public

interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Matt Dennis, CELRL-OPF-S at the address noted above and should refer to the Public Notice Number LRL-2016-718-mad.

If you desire to submit your comments by email, you must comply with the following:

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a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2016-718-mad.

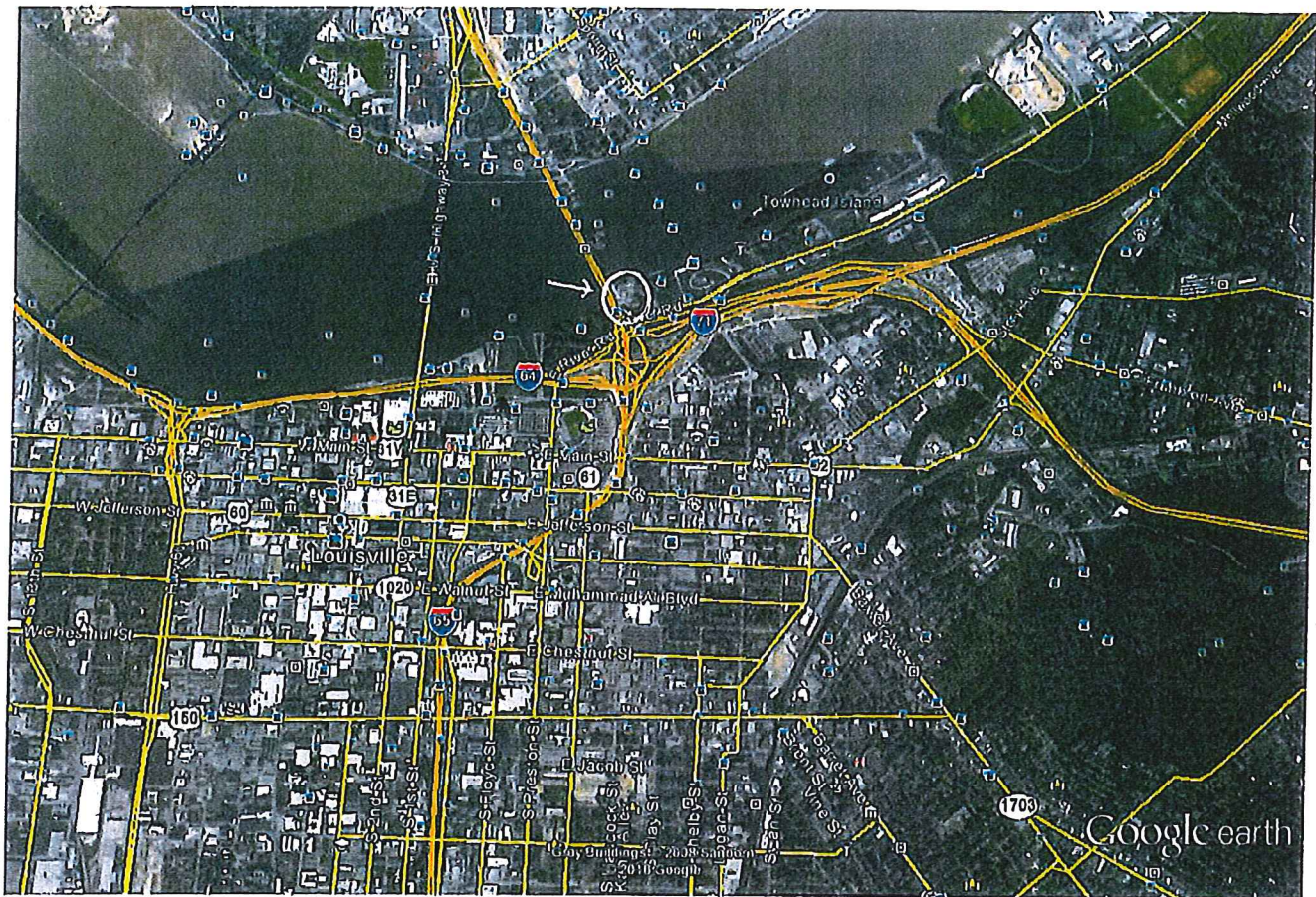
Example:

Subject: LRL-2016-718-mad

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



Google earth

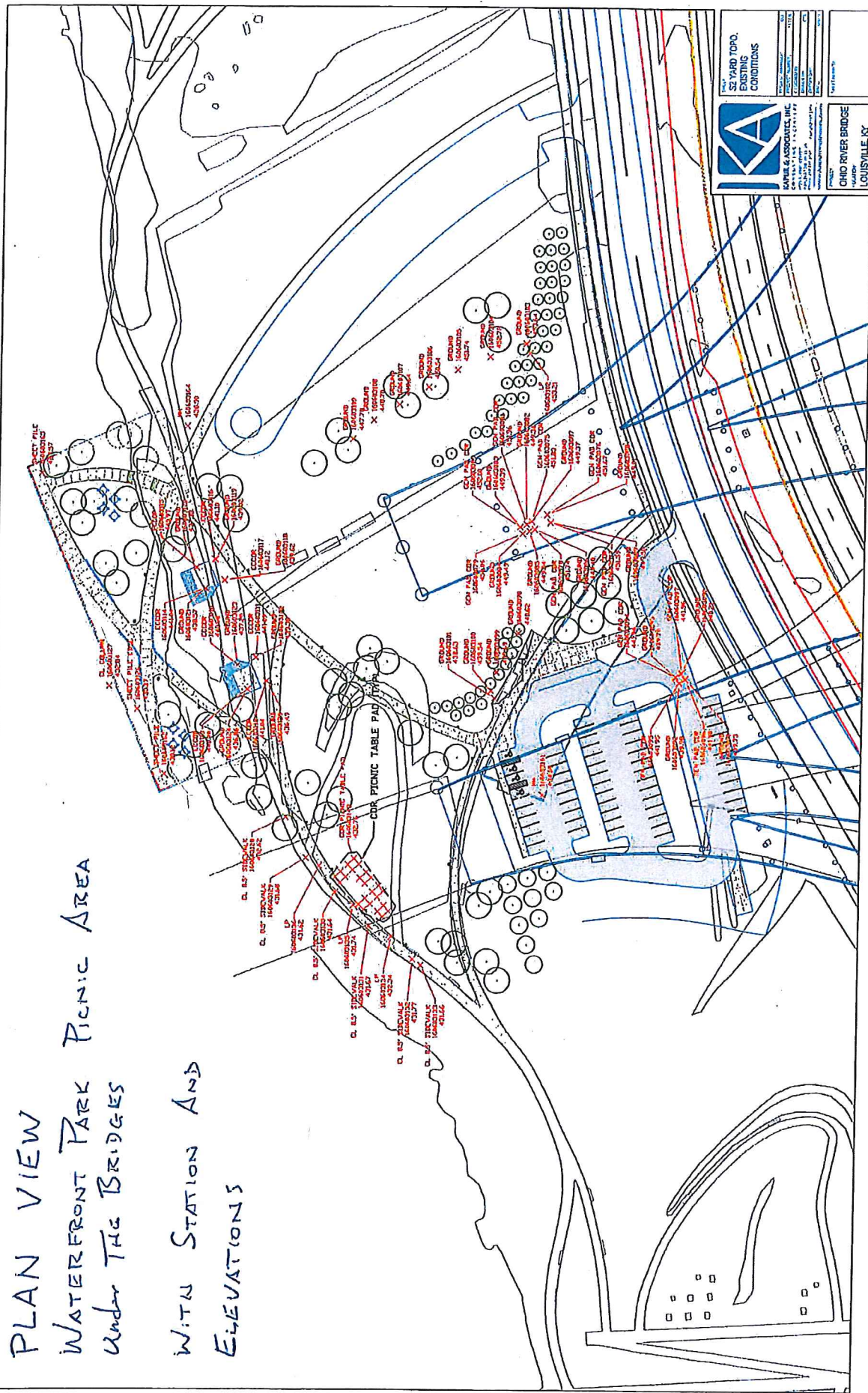
miles 1
km 2



VICINITY MAP

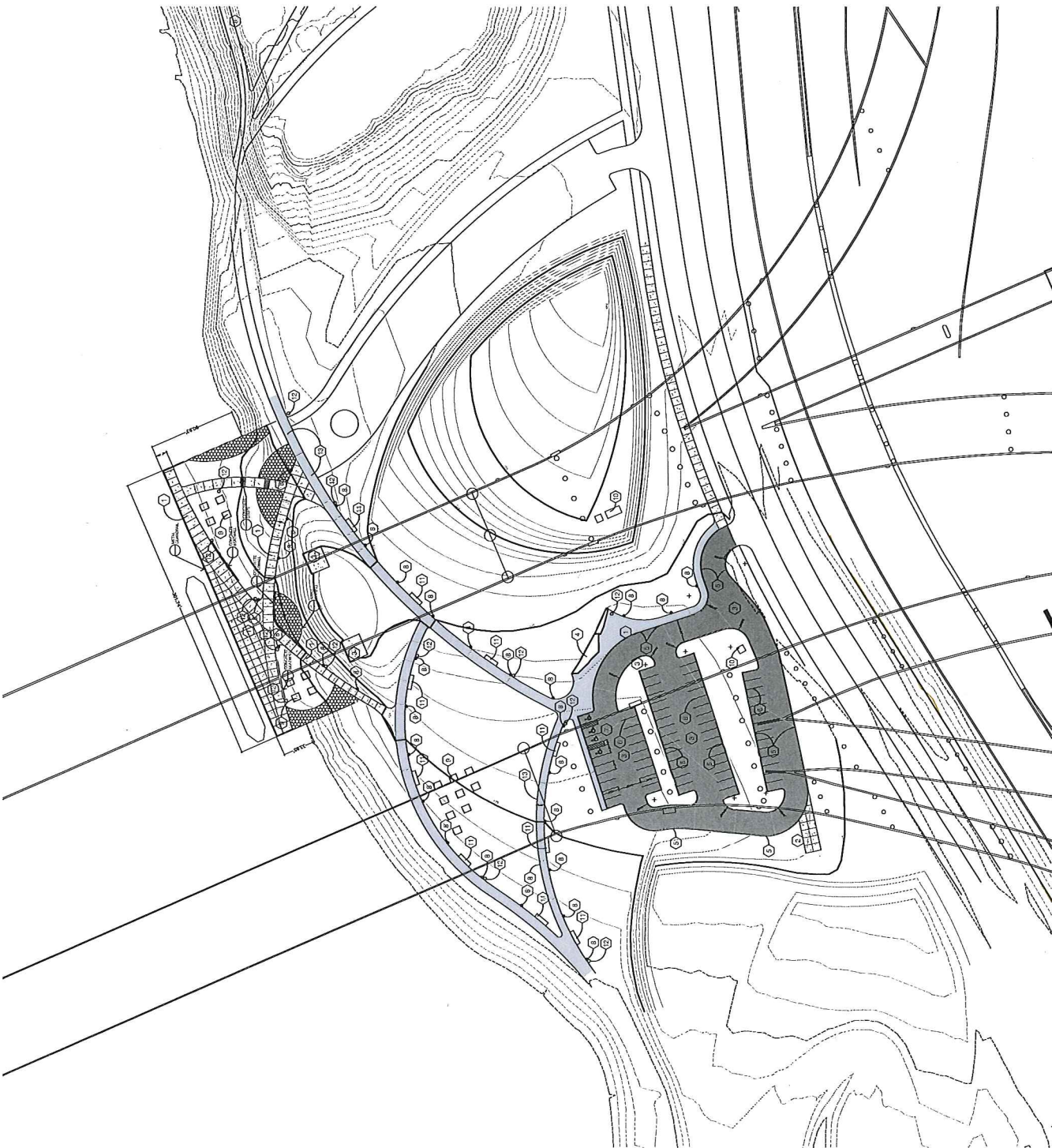
WATERFRONT PARK PICNIC AREA UNDER THE
BRIDGES

PLAN VIEW
WATERFRONT PARK
UNDER THE BRIDGES
WITH STATION AND
ELEVATIONS



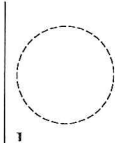
SITE LAYOUT AND MATERIALS NOTES

- 1 Concrete Sidewalk - Broom Finish
- 2 Heavy Duty Concrete Pavement
- 3 Medium Duty Asphalt Pavement
- 4 Existing Restroom Facility
- 5 6" Concrete Curb
- 6 Pavement Striping
- 7 Accessible Parking Spaces
- 8 Light Fixture
- 9 Concrete Pad - Picnic
- 10 Existing Transformer Pad
- 11 Concrete Pad - Bench
- 12 Trash Receptacle
- 13 Asphalt Path



CHECK SET
Not For Construction

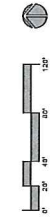
Item	Qty
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13	



Project No: 17-0001
Date: 12/20/2016
Scale: 1"=50'

Project Name:
Layout and Materials
Plan

L-100



100' 200' 300' 400'

